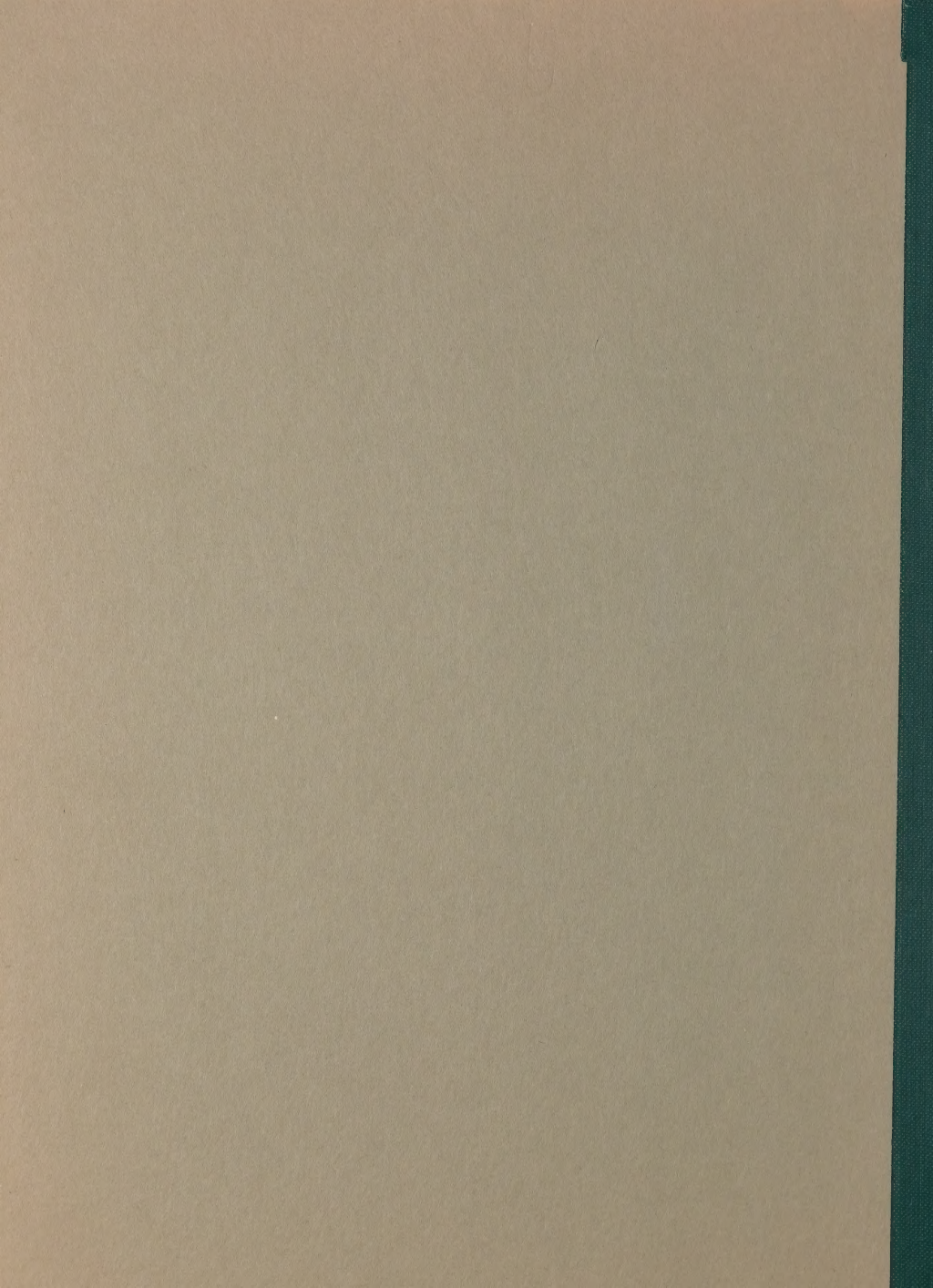


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Ontario. Municipal affairs dept.
Community planning branch
[General publications]
[G-4] Area of subdivision
control bylaw; draft. 1960.



CA24N
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Draft

AREA of SUBDIVISION CONTROL BYLAW

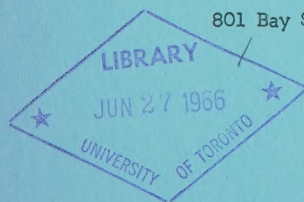
ONTARIO DEPARTMENT of MUNICIPAL AFFAIRS

The Hon. Wm. K. Warrender, Q.C., Minister L.R. Cumming, Q.C., Deputy Minister

Community Planning Branch

A.L.S. Nash, Director

801 Bay Street - Toronto 5, Ontario.



SHIAHIA JANTHRA 5. 1. 1. 1.

DRAFT BY-LAW

NOTE: To be adapted, with the assistance of the municipal solicitor, to the requirements of the local municipality

THE CORPORATION OF THE

_____ of _____

BY-LAW NO. _____

A BY-LAW TO DESIGNATE AN AREA OF SUBDIVISION CONTROL

WHEREAS it is considered desirable, in order to control adequately the development of certain areas within the _____ of _____, that land, before it is conveyed, shall be included in a registered plan of subdivision;

AND WHEREAS section 24 of The Planning Act, 1955, provides as follows:

24. - (1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control, and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of land in the area, or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more, unless the land is described in accordance with and is within a registered plan of subdivision, and the council may, in the by-law, designate a registered plan of subdivision or part thereof which shall be deemed not to be a registered plan of subdivision for the purposes of this subsection.

(2) The by-law may provide that where land is,

(a) within a registered plan of subdivision; or

(b) within a registered plan of subdivision, or a part thereof, designated in the by-law,

no person shall convey a part of any lot or block of the land by way of a deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land,

or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more; and when the by-law contains any such provision, no person shall contravene the provision.

(3) Nothing in subsection 1 or 2 prohibits any conveyance or agreement respecting land,

(a) if the land is ten acres or more in area and the remnant, if any, remaining in the grantor is also ten acres or more; or

(b) if the land is the whole part remaining to the grantor of one parcel described in a registered conveyance to him; or

(c) if the consent,

(i) of the planning board of the planning area in which the land lies, or

(ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or

(iii) where there is no planning board, of the Minister,

is given to the conveyance or agreement.

(4) Two certified copies of the by-law shall be lodged in the office of the Minister where they shall be available for public inspection during office hours, and the by-law shall be registered in the proper registry office where it shall be made available to the public as a production.

(5) Where a registered plan of subdivision or a part thereof is deemed under the by-law not to be a registered plan of subdivision, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within the plan of subdivision or part.

(6) Where the by-law contains provisions authorized by subsection 2, the clerk of the municipality shall, within ten days after the by-law is passed, send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan of subdivision, or within any part of a registered plan of subdivision, to which such provisions apply.

(7) When an area is designated as an area of subdivision control, it shall not be altered or dissolved without the approval of the Minister.

(8) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500;

NOW THEREFORE, the Council of The Corporation of the _____ of _____ hereby enacts as follows:

1. The following described area is hereby designated as an area of subdivision control to be known as Area of Subdivision Control Number _____, in accordance with section 24 of The Planning Act, 1955:

(NOTE 1)

(a) Insert description of area, referring specifically to each original township lot or patent, or part thereof, and each lot and plan number included in the area.

(b) Care should be taken to ensure that the area covers all of the lands which are likely to be subdivided and developed in the near future but, in order to reduce administration and prevent unnecessary interference with land transfers, care should be taken to limit the area to lands which require this protection.

(c) Attention is drawn to subsection 4 as to the lodging with the Minister and the registration of the by-law.

2. The following designated registered plan (or plans) of subdivision and part (or parts) of registered plan (or plans) of subdivision, within Area of Subdivision Control Number _____, namely:

(Here insert reference to all registered plans and parts thereof to which this paragraph is to apply, giving in the case of a complete plan a reference to the registered plan number and in the case of part of a plan a reference to each lot in that part and the registered plan number).

is (or are) deemed not to be a registered plan (or plans) of subdivision for the purposes of subsection 1 of section 24 of The Planning Act, 1955.

(NOTE 2)

(a) The number of the Area of Subdivision Control referred to in paragraph 2 will be the same as that designated in paragraph 1.

(b) Make the necessary changes in the above text according to whether more than one complete plan is to be covered and whether part or parts of more than one plan is to be covered.

(c) Where not applicable, paragraph 2 of the draft by-law may be omitted and the following paragraphs renumbered accordingly.

(d) Where a plan of subdivision has been created from a part of a township lot, a description referring only to the township lot (and not specifically to the plan of subdivision) will not include the plan of subdivision. Therefore, where paragraph 2 is used in the by-law, the description of the land covered in paragraph 2 by reference to the registered plan must also be included specifically in the description of the area in paragraph 1.

(e) Attention is drawn particularly to subsection 5 requiring notice by mail to property owners where paragraph 2 is used.

(First Alternative)

3. Where land within Area of Subdivision Control Number _____ is within a registered plan of subdivision, no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land, or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land

directly or by entitlement to renewal for a period of twenty-one years or more, subject to the provisions of subsection 3 of section 24 of The Planning Act, 1955.

OR

(Second Alternative)

3. Where land within Area of Subdivision Control No. _____ is within a registered plan of subdivision, or a part of a registered plan of subdivision, hereafter designated, namely:

(Here describe, by reference to number, the plans of subdivision to which this paragraph applies, and where the provisions are to be applied only to part of a plan, describe the part by reference to the lot or lots in the part and the plan number.)

no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase of a part of any lot or block of the land, or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more, subject to the provisions of subsection 3 of section 24 of The Planning Act, 1955.

(NOTE 3)

(a) Where not applicable, paragraph 3 of the draft by-law may be omitted and the following paragraph renumbered accordingly.

(b) The first alternative should be used where it is intended that part-lot sales shall be prohibited in all present or future plans of subdivision within the entire area of subdivision control.

(c) The second alternative should be used where part-lot sales are to be prohibited only with respect to existing plans of subdivision, or parts thereof, designated in the paragraph.

(d) The number of the Area of Subdivision Control referred to in paragraph 3 will be the same as that designated in paragraph 1.

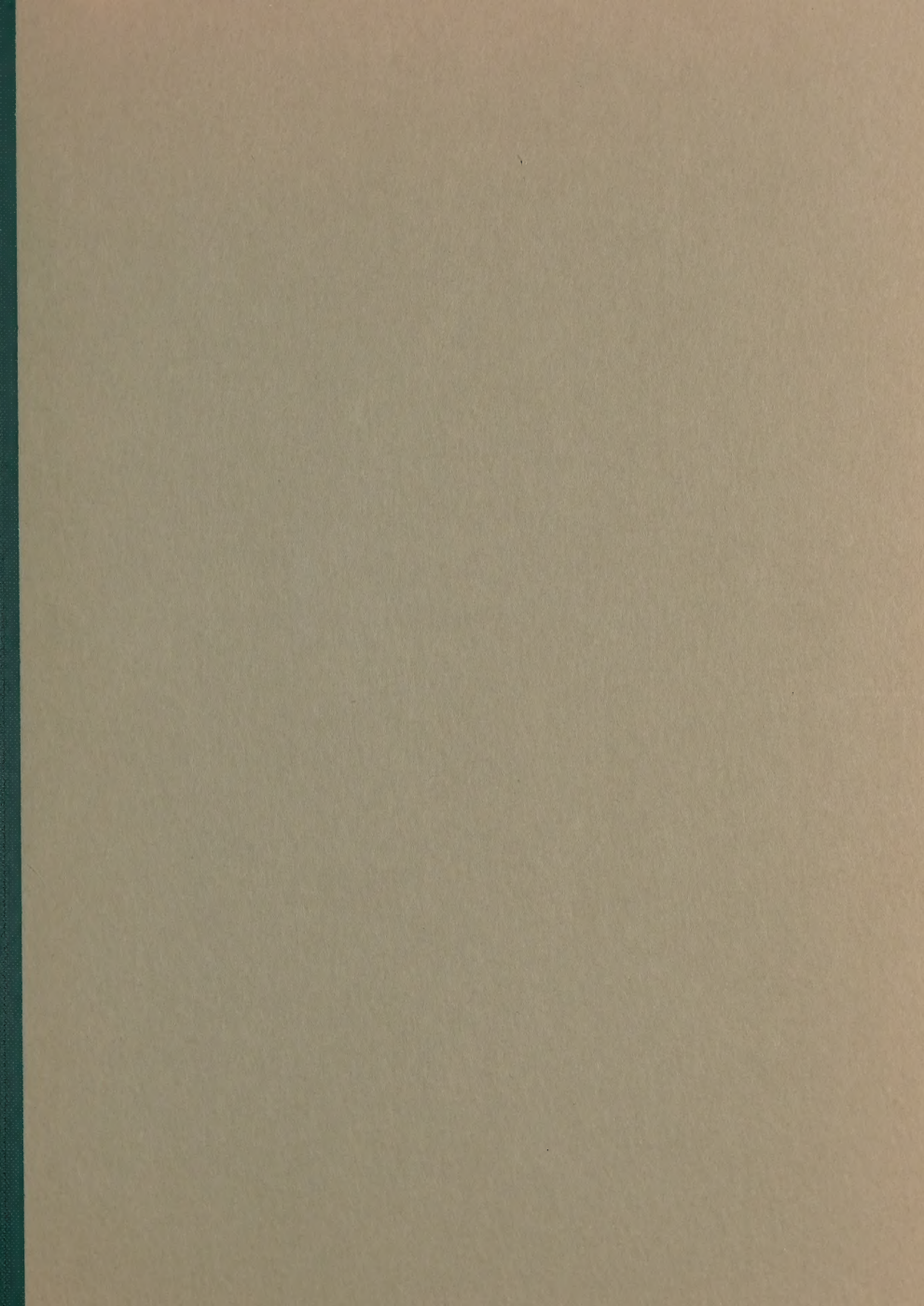
(e) Attention is drawn to subsection 6 requiring notice by mail to property owners where paragraph 3 is used:

4. This by-law shall come into force and take effect
on _____.

(Mayor or Reeve)

SEAL

(Clerk)





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